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ABSTRACT

An examination of the rise of "electronic religion" (religious broadcasting on radio and television) in the United States and the movement's fusing of religious and political issues during the 1980 election year lends credibility to the argument that a clash between church and state is inherent in the political aspects of these broadcasters' activities, and that this conflict may ultimately be resolved only by the United States Supreme Court. The conservative groups dominating the electronic church already have an extensive audience in the U. S., and the potential political influence of these broadcasters at a time when the country seems to be moving in a more conservative direction lies primarily in mobilizing conservative voters on political issues. The Federal Communication Commission (FCC) has routinely exempted religious programing from the fairness doctrine's requirements because such programing is seen as being noncontroversial by definition. If the FCC is forced to draw a line between what constitutes religious and political programing, it has no clear legal precedents to follow that have involved broadcasters invoking the First Amendment's freedom of religion clause. (Author/AEA)

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ELECTRONIC RELIGION AND THE SEPARATION OF CHURCH AND STATE

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ELECTRONIC RELIGION AND THE SEPARATION OF CHURCH AND STATE

If 1976 was the 'Year of the Evangelical,' culminating politically with the election of Jimmy Carter to the White House, then 1980 was the 'Year of the Religious Right.' And the election of Ronald Reagan to the presidency dramatically signalled that the United States had shifted much to the right, politically, during those four years.

Accompanying this rightward shift was another political phenomenon that became equally dramatically known during 1980 -- the rise to national prominence of "Electronic Religion." Linked as it was to crusading right-wing evangelicals belonging to various pressure groups and/or broadcasting outlets, this segment of the media received national attention in an unprecedented way.

The presence of the 'Electronic Church' on the national scene was not in itself new. What was new was the perceived potential impact the movement could have on the 1980 election. This factor thrust the 'Church' into the public limelight and showered its main luminaries and their activities with much controversy.

The debate inevitably focused on the conflicting claims in contemporary American society of God and Caesar. The overtly political content of some of the Electronic Church's broadcasting raised questions of the constitutionality of religious broadcasting generally, and the legal limits to which its practitioners could go.

The Electronic Church's involvement in the 1980 political process thus raises several significant questions of "Church and State." These went largely unnoticed in the flurry of criticism,

anger and charges of poor taste and bad theology which the Church drew from many quarters. Yet, it is contended, these legal issues -- rather than strictly political or theological ones -- will ultimately determine the Electronic Church's future on the American political scene.

Several questions arise. How extensive is the Electronic Church? Who are the people behind it, and what do they want? What do they believe? Most important, what are their chances of succeeding? The First Amendment and its specifications on religious activities and their relationship to the State speaks directly to these issues.

The Electronic Church is a well bankrolled and extensive group of conservative evangelical broadcasters. Although loosely linked in some kind of coalition, they nonetheless form a sufficiently cohesive group to serve as a threat -- at least, in many observers' eyes -- to the American political equilibrium.

The Church is far reaching. The United States has some 1,300 religious radio stations and about 40 TV stations that could either now or potentially be seen as constituting the Electronic Church. Not all of these, of course, hold the same ideological stance as the main exponents of Electronic Religion. But many already do, and others could be included under this ideological umbrella in future. Some of the bigger broadcasting concerns have extensive outlets on commercial and cable channels. Pat Robertson, of the Christian Broadcasting Network, for instance, reaches 3,500 cable outlets with his programs -- in addition to the four TV and six radio stations his 24-hour-a-day network owns. CBN programs are also broadcast on 130 local affiliates.

Jim Bakker, of the 'People that Love' network (PTL), reaches 3,000 sdble outlets. Jerry Falwell reaches 304 US outlets with his program, 'The Old Time Gospel Hour.' These three, among the biggest of the TV preachers in terms of the funds their programs bring in, are reported to have annual gross receipts of $50 to $60 million, $25 to $30 million, and $45 to $50 million respectively. (1)

So, not only is the American public paying -- to a national annual total now exceeding $1 billion (2) -- they're also watching in huge numbers. One survey indicated that more Americans now watch a religious TV or radio service each week than those who actually attend a church service -- 47% compared to 42%. (3) Buddenbaum's investigation of media use in Indianapolis indicated that the audiences for religious TV tend to consist largely of older Protestant women of relatively low socio-economic status, largely confirming Gantz and Kowalewski's study of the viewers of the Christian Broadcasting Network in Buffalo, N.Y. (4)

Not only is electronic religion growing; it is growing extraordinarily fast. Liebert notes that the Seventies were a decade of growth in which "the annual expenditure of television ministries for their air time in the United States (went) from almost nothing to $500 million, a figure which does not include the sizable production costs sustained by many of these operations." (5) Liebert, in common with several other observers of the Electronic Church, predicts this growth will continue rapidly in the 1980s. The upswing of TV religion has paralleled the rise of evangelical Christianity in the United States generally. Both movements, which although related are by no means synonymous,

have risen as the fortunes of the mainline Protestant churches have waned.

The role of existing TV programming, and widespread dissatisfaction with its offerings, especially among those objecting to a perceived emphasis on sex and violence, must also be considered. Gantz and Kovalewski found support for the hypothesis that "dissatisfaction with present forms of network television would predict audience interest in an alternative to traditional TV fare, in this case, the Christian Broadcasting Network." (6)

Although the reasons underlying the surge in the Electronic Church's growth merit close attention, this is not the place to give it. Rather, more important to the Church-State issue is the actual activity of these broadcasters, and the content and overall objective reflected in their programs. Clearly, it is the political pronouncements and activity of the evangelical right that reflect the heart of the controversy.

But a caveat is in order here lest it seem that the Electronic Church appear as some all-powerful political interest group, with unlimited influence and capacity to bring about its desired ends. For far from being a monolithic institution, the Electronic Church must be seen as merely a part of that broader political segment of the US public, the evangelical right. This rather loosely defined and amorphous grouping of generally like-minded evangelicals includes several non-media organizations. One which is particularly important is Christian Voice, a specifically political lobby; another is Falwell's well known group, 'The Moral Majority.' The kind of blurring of religion and politics is typified by Falwell's remark that the job of ministers is "to get people saved, baptized, and registered to

vote." (7)

The Moral Majority last year spent much time and money urging voters to register, apparently with considerable success. It also became perhaps the best-known of the evangelical right's "pro-morality" voices, with its strong pro-family, pro-life and pro-morality stance on the one hand, and an equally forceful anti-abortion, anti-gay and anti-Federal government intervention on many family and educational issues -- such as the prayer-in-school question -- on the other.

Yet, to return to our caveat mentioned above, neither the Moral Majority and its views, nor the broader constituency they represent, constitute the unqualified threat to the existing political order that some contend. For one thing, evangelicals are by no means monolithic in their political opinions, as evangelist Billy Graham pointed out. He said: "I heard a preacher on TV say that 'we can elect any president we want.' But we can't. Those involved in this political movement are a very small segment of evangelicals." (8) Secondly, many of those reflecting the strong political conservatism of the evangelical right have either been in this camp for a long, long time, or else have long been potential recruits. It is highly unlikely that the broadcast power of the Electronic Church extends to shifting people any great distance along the American political spectrum. Finally, many Americans no doubt sympathize with the movement's moral concerns, yet feel loathe to associate themselves with its methods and tactics. The movement's power is obviously limited by factors like these.

So, to the extent that the lords of the evangelical airwaves constitute a political bloc, it lies in their capacity to

mobilize, rather than persuade, a sizable body of the American electorate. Given the financial resources at their disposal, the extent of an already-existing broadcasting network that permeates the nation, and the political mood of an America that is clearly shifting rightwards, the Electronic Church's capacity to mobilize, if not persuade, undoubtedly merits close attention.

It is a capacity that leaves some observers in a sitting-up-and-taking-note posture. Says Jeremy Rifkin, himself an evangelical and a commentator on the US Church scene, "the evangelical community is amassing a base of potential power that dwarfs every other competing interest in America today. A close look at the evangelical communications network ... should convince even the skeptic that it is now the single most important cultural force in American life." (9) Looking to the future, Hadden sees an enormous potential lying ahead for the evangelicals, as they already have established a large infrastructure that gives them national prominence. "They don't have to expend the great amounts of energy that other social movements have had to do, over long periods of time, in order to gain media attention. All they have to do is turn on their cameras and transmitters and they have access to very substantial and sympathetic audiences." (10)

Given this potential, then, it was hardly surprising that several observers registered concern at the overt political activities of the Electronic Church in the 1980 elections. In addition to a fervent voter-registration drive, the evangelical right also helped voters decide who were appropriately "moral" candidates, by giving them approval ratings based on a small selection of issues deemed indicative of a candidate's worthiness

for office. Criticism was also directed at the evangelical right, and their broadcasting arm, for focusing on single-issue politics. Yet another charge was that the Electronic Church helped propagate falsehoods, or least half-truths, about candidates they opposed. Finally, their readiness to wage political battles on essentially negative grounds, by fighting against several candidates, enabled them to take advantage of a loophole in campaign funding legislation. Unlike others concerned with promoting a certain candidate, the evangelical right faced no limits on the amount they could legally spend in negative campaigning.

All these considerations led to the considerable controversy that accompanied the arrival of the evangelical right in the political arena. The issue was not one of free speech; that this segment of the US electorate was entitled to voice its views was generally unquestioned, even by its most ardent critics. Under attack was the way the evangelical right enthusiastically and unashamedly seemed to ignore the wall that Thomas Jefferson once said was intended to be erected between Church and State in this country.

The Church-State implications of the politically resurgent evangelical right are potentially far-reaching. They are also extensive, and we can do no more here than look briefly at the implications of the traditional positions taken by the Supreme Court on the often delicate and overlapping issues raised by the First Amendment's "free exercise" and "no establishment" clauses relating to Church-State relations.

Two review editorials in the Journal of Church and State published in 1975 describe the thrust of Supreme Court inter-

pretations of these two First Amendment clauses relating to religion. Most of the pertinent rulings took place in the preceding 30 year or so, the editorials note. In sum, the Court ruled that both clauses be upheld in a way that maintained the "wall of separation between Church and State" referred to earlier, in addition to allowing the full exercise of one's religious beliefs. (11) One may respond to these general rulings by asking, "So what else is new?" And while the answer would be "little in essence," their significance lies in the complex tensions they can cause when applied to specific issues. One issue to which they have apparently not yet been applied is that of religious stations or religious programs containing explicitly political material.

But what of the existence of religious stations themselves? They are granted their licenses by the FCC, in a manner which Loevinger, himself a former-FCC commissioner, and Lacey separately argue violates the "no establishment" clause. (12) They contend that the FCC has implemented a de facto pro-religion stance. Lacey cites as an example the practise of exempting the content of religious programs from the Fairness Doctrine, as they are regarded as being "by definition" non-controversial. She quotes the Commission as saying that "it does not hold that the fairness doctrine is applicable to the broadcast of church services, devotions, prayers, religious music or other material of this nature." (13) Yet a thin line exists between purely, or even <u>primarily</u>, religious and political content. Issues such as abortion and homosexuality, long regarded as essentially "moral," have recently become thoroughly politicized -- and trying to view them as exclusively religious or political becomes

impossible. No case has yet come before the Supreme Court where any kind of ruling on a religious broadcaster's programming was decided on First Amendment religious grounds.

Lacey cites the landmark Red Lion case, in which a fundamentalist preacher refused free reply time to an author whom he had attacked in a broadcast. The Court ruled the author had the right of reply in this case, echoing the decision of the FCC. But the significance of this case, for our purposes, was that the preacher, the Rev. Billy James Hargis, "did not try to assert a religious 'free exercise' defense, but rested his case on his free speech first amendment rights." (14)

More recently, a series of clashes between fundamentalist TV ministers and members of the gay community in North Carolina has indicated the kind of Fairness Doctrine questions that could increasingly become a feature of the religious broadcasting scene. Following a complaint about an anti-homosexual sermon aired by the Rev. Charles Sustar on WSOC-TV in Charlotte, N.C., the station's management gave a gay activist the right to reply. The station based its decision on the Fairness Doctrine, not on a specific FCC ruling in the case.

WSOC finally cancelled Sustar's program, prompting him to file a $20 million suit against the station. It was dismissed. But Sustar and others were not content to let the issue rest, giving notice that they planned to use the Fairness Doctrine against those like homosexuals, with whom they disagree on religious grounds. For one writer, this raise the prospect of Soap viewers hearing Sustar giving an "equal time" response to the previous week's program. (15) In this situation too, however, the First Amendment's religious clauses were not at is-

sue.

In dismissing Sustar's suit against WSOC, the US district judge ruled that "no one has a Constitutional right of access to the airwaves." (16) Lacey echoes this view: "Since it has been established that the broadcast media are not common carriers and thus no group has the right of access, religious groups could not claim their free exercise of religion rights have been violated by a commercial station's decision not to carry religious programming." (17)

In the Red Lion case, if Hargis had relied instead on his rights of freedom of religion, the Supreme Court would have faced a substantially different question. It did not, and how it would interpret such a clash in future can only be speculated upon. On the one hand, it would be obliged to pay high regard to the FCC's mandate to regulate the airwaves without "policing" broadcasters' programs in general. So, religious broadcasters could certainly expect to have their rights to religious expression firmly respected. Yet insofar as they began to enter the more stormy waters of overtly political debate, they could increasingly expect to encounter the kind of Fairness Doctrine claim that Hargis faced -- notwithstanding the apparent tendency of the FCC to exempt religious programming from the doctrine's requirements.

But the religious broadcasters' activities have not been ignored by the FCC. In 1979 the Commission launched a lengthy investigation of Jim Bakker's PTL network, following allegations that the organization abused its licensing privileges by soliciting funds over the air for missionary work abroad, but then using the money domestically. (18) PTL's attorney "believes the FCC has no expressed policy against a broadcaster

raising funds for one purpose and using them for another." (19)

This sort of issue could well prompt revisions in the FCC's approach to regulating religious stations and/or programs during the 1980s. Will it stiffen its demands of these broadcasters with regard to the Fairness Doctrine? What will be the mood of the FCC under the Reagan administration? Will the Commission perhaps give a tacit go-ahead to these broadcasters in their quite probable attempts to increase their programming's political content? And, if so, what stance would the presently constituted Supreme Court take if the FCC and the broadcasters concerned had constitutional challenges brought against them? And what stance would a Reagan-appointee court take?

Other questions arising fall beyond the scope of the FCC, and make possible interpretations by the Supreme Court even more hazardous to predict. For example, the FCC's control over cable broadcasting is far more remote than over the stations it licenses directly. So, with some 5,000 cable stations now offering religious programming, even seemingly crippling FCC rulings or Supreme Court decisions may not directly affect the great portion of religious broadcasting.

As indicated earlier, an issue that will almost certainly command attention in the coming decade is "access," both for the religious broadcasters themselves and those seeking to rebut their views. With another First Amendment clause guaranteeing freedom of expression, various other constitutional conflicts could arise -- especially if the Fairness Doctrine undergoes any significant judicial revision.

What could catapult any of these issues into the Supreme Court is open to as much speculation as to how these issues will

be resolved. But one factor likely to be especially important is that of conflicting interest groups. As the evangelical right gains political muscle, which seems likely, so it will also draw political opposition. This could take the form of existing special interest groups, such as labor, business, education and so on. Alternatively, it could also elicit new coalitions formed specifically to combat the evangelical right's distinctive politico-religious activities. Of course, such opposition will undoubtedly be directed at this right-wing movement and its objectives as a whole. Broadcasting is unlikely to be selected in isolation, apart from an overall combative strategy intended to curb the evangelical right's political influence. At the same time, the movement's broadcasting activities -- because of their extensive reach and potential influence -- would surely be a highly visible target of political attack.

The Electronic Church and its exponents could also expect opposition from quarters whose motivations are not political. The mainline US churches have for several years voiced concern at the hold TV religion is coming to have in American Protestantism. The theological and ecclesiastical concerns and opposition that will undoubtedly face the Electronic Church are not an immediate concern of this paper. The point remains, however, that the evangelical right and its broadcasting wing will not travel through the 1980s unopposed.

What of the future? Hadron, in common with other political commentators, predicts the coming decade will increasingly reflect single-issue politics in the United States. (20) In drawing on the views of several political scientists, he finds that special interest groups such as business, labor, women's

groups and the elderly will form especially important power blocs.

In this milieu, with a trend towards "single-issues, simple-answers" politics, the evangelical right's growth prospects seem healthy indeed. As noted earlier, several observers predict a growing future for the Electronic Church. Hadden says: "I fully expect to see evangelicals make a significant impact on the political scene in America during this decade. I think they will utilize the electronic church to gain a power base." (21) And, of the religious broadcasting media's potential for growth, he says that "We have seen increasing amounts of special interest stations and programming in radio and with cable television rapidly coming on the scene, we can reasonably expect to see more, not less, religious programming." (22) Like several other commentators on the rise to prominence of the Electronic Church and the evangelical right, he notes that much of America is looking for something they can believe in -- and the "electronic evangelists offer that something." (23)

Given the resurgence of the political right in the United States, coupled with the momentum the Electronic Church has already gathered, both it and the evangelical right generally are well placed for substantial growth during this decade. As we have seen, however, such growth is not without qualifications. These are internal, with a lack of cohesiveness and formal structure on the part of the evangelical right, as well as the inevitable competition for the millions of support-dollars that the Robertsons, Falwells and Bakkers need to stay on the air. More important, however, are the possible constitutional curbs that could emerge on the Electronic Church's politicizing in the

years ahead. As Church historian Martin Marty notes of the probable rise of opposition to the movement, "Americans eventually learn to counterorganize, and sooner or later they will." (24) But in looking at the freedom-of-speech and -religion issues at stake with the electronic evangelists and their evangelical right coalitionists, one consideration seems plain: whatever "organizing" and "counterorganizing" may occur in the 1980s, it will ultimately be thwarted or facilitated by the Supreme Court and still unravelled First Amendment riddles.

NOTES

[1]"If you can't beat 'em, join 'em." Broadcasting, 18 February 1980, p. 118.

[2]"'Old-Time Religion' on the Offensive." US News and World Report, April 7, 1980, p. 40.

[3]Fore, William, "There is no such thing as a TV pastor." TV Guide, July 19, 1980, p. 15.

[4]Buddenbaum, Judith M., "Demographic characteristics and media related needs of the audience for religious television programmes," Journalism Quarterly, forthcoming; Gantz, Walter, and Paul Kowalewski, "Religious broadcasting as an alternative to TV: an initial assessment of potential utilization of the Christian Broadcasting Network alternative," paper presented at Association for Education in Journalism annual convention, Houston, Texas, 1979.

[5]Liebert, Robert M., "The Electronic Church: A psychological perspective." Paper presented at Consultation on the Electronic Church, coordinated by the National Council of Churches' Communication Commission. New York, February 1980, p. 3.

[6]Gantz & Kowalewski, p. 17.

[7]Quoted in Conn, Joseph L., "The 'new' Christian Politics." Church and State, July/August 1980. p. 16.

[8]Quoted in "Pulpits and Politics." Church and State, November 1980, p. 8.

[9]Quoted in Hadden, Jeffrey K., "Born Again Politics -- the Dallas briefing." Presbyterian Outlook, October 20, 1980, p. 6.

[10]Hadden, Jeffrey K., "Evangelical Influences on America's Future." Presbyterian Outlook, October 27, 1980, p. 6.

[11]"The 'No. . . establishment' clause of the First Amendment: Retrospect and Prospect." Journal of Church and State vol. 17 (1975) 5-13; and "The 'Free Exercise' clause of the First Amendment: Retrospect and Prospect." Journal of Church and State vol. 17 (1975) pp. 393-398.

[12]Loevinser, Leo, "Broadcasting and Religious Liberty." Journal of Broadcasting vol 10 (1965) 3-23; and Lacey, Linda Jo: "The Electric Church: An FCC-established institution?" Federal Communications Law Journal vol 31 (1979) pp. 235-275.

[13]Lacey, p. 254.

[14]Lacey, p. 253.

[15]Maynor, Joe S., "An Acid Test for the Fairness Doctrine." TV Guide, November, 1980. p. 19.

[16]Maynor, p. 18.

[17]Lacey, p. 252.

[18]"PTL and the FCC: They're still sparring." Christianity Today, June 6, 1980. p. 46.

[19]"PTL and the FCC," p. 46.

[20]Madron, Thomas, "Political Parties in the 1980s." The Futurist, December 1979. pp. 465-475.

[21]Hadden, Jeffrey K., "Some Sociological Reflection on the Electronic Church." Paper presented at Consultation on the Electronic Church, coordinated by the National Council of Churches' Communication Commission. New York, February 1980. p. 21.

[22]Hadden, p. 18.

[23]Hadden, p. 18.

[24]Marty, Martin, "Points to consider about the Christian Right Wing." Wittenburg Door, June/July 1980, p. 26.